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2022-CC00924 - MATTHEW L JOHNSON V PHH MORTGAGE CORPORATION
ET AL (E-CASE)

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08/20/2020 ☐ [Corporation Served](#)

Document ID - 20-SMCC-5800; Served To - ALTISOURCE SOLUTIONS, INC.; Server - ; Served Date - 07-AUG-20; Served Time - 08:00:00; Service Type - Sheriff Department; Reason Description - Served

☐ [Corporation Served](#)

Document ID - 20-SMCC-5799; Served To - PHH MORTGAGE CORPORATION; Server - ; Served Date - 07-AUG-20; Served Time - 08:00:00; Service Type - Sheriff Department; Reason Description - Served

08/03/2020 ☐ [Summons Issued-Circuit](#)

Document ID: 20-SMCC-5800, for ALTISOURCE SOLUTIONS, INC..

☐ [Summons Issued-Circuit](#)

Document ID: 20-SMCC-5799, for PHH MORTGAGE CORPORATION.

05/26/2020 ☐ [Jury Trial Scheduled](#)

Scheduled For: 11/16/2020; 9:00 AM ; REX M BURLISON; City of St. Louis

05/08/2020 ☐ [Filing Info Sheet eFiling](#)

Filed By: MITCHELL B. STODDARD

☐ [Pet Filed in Circuit Ct](#)

Petition; Exhibit 1; Exhibit 2.

Filed By: MITCHELL B. STODDARD

On Behalf Of: MATTHEW L JOHNSON

☐ [Judge Assigned](#)

**IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI**

Matthew L. Johnson,)	
)	
Plaintiff,)	
)	Cause No.
v.)	
)	Division:
PHH Mortgage Corporation, d/b/a)	
PHH Mortgage Services,)	
)	
Sheriff Serve Registered Agent:)	
CSC-Lawyers Incorp. Svc Co.)	
221 Bolivar Street)	
Jefferson City, MO 65101)	
)	
and)	
)	
Altisource Solutions, Inc.,)	
)	
Sheriff Serve Registered Agent:)	
CSC-Lawyers Incorp. Svc Co.)	
221 Bolivar Street)	
Jefferson City, MO 65101)	
)	
Defendants.)	

PETITION

COMES NOW Plaintiff, Matthew L. Johnson, by and through his attorneys,
Mitchell B. Stoddard and Consumer Law Advocates, and for his Petition against
Defendants, PHH Mortgage Corporation, d/b/a PHH Mortgage Services and Altisource
Solutions, Inc. states to this honorable Court as follows:

ALLEGATIONS COMMON AS TO ALL COUNTS

1. Plaintiff, Matthew L. Johnson, is a natural person, an adult citizen of the State of
Missouri, and a resident of St. Louis County, Missouri.

2. Defendant, PHH Mortgage Corporation, d/b/a PHH Mortgage Services (hereinafter “PHH”), is a New Jersey corporation in good standing, engaged in the business of making and servicing consumer mortgage loans.

3. Defendant, Altisource Solutions, Inc. (hereinafter “Altisource”), is a Delaware corporation which, according to its website, is engaged in the business of assisting mortgage servicers in carrying out their functions.

4. The events giving rise to Plaintiff's cause of action, and the resulting injury to Plaintiff occurred in the City of St. Louis, Missouri.

5. In or around April 2005, Plaintiff purchased a residential dwelling located at 2849 Wyoming Street in the City of St. Louis, Missouri (hereinafter “the Property”). Plaintiff has been the continuous and sole owner of the Property since he purchased it.

6. Plaintiff used the Property as his primary residence until 2016, when he started renting out rooms to individuals.

7. Prior to 2019, Plaintiff 's mortgage loan was serviced by Ocwen Mortgage Servicing, Inc., but as of May 2019, PHH began servicing it.

8. On or about 5/25/2019, Plaintiff received a call from one of his tenants advising that “somebody had broken into the house and damaged the property.”

9. Plaintiff went to the Property and saw the entrance door was wide open. Plaintiff also saw a tag on the door, which stated “Warning ... This property has been winterized. Do not turn on water!” A copy of this notice, dated 5/15/1019, is attached hereto and incorporated by reference as though fully set forth herein as Exhibit 1.

10. Plaintiff also saw a letter that had been left by Altisource, which advised him to call a toll free number if had questions or concerns related to the property. A copy of

said notice is attached hereto and incorporated by reference as though fully set forth herein as Exhibit 2.

11. Plaintiff called the number on the letter and complained that somebody had damaged his property. The woman who responded to Plaintiff's call transferred him to the "complaint department," but nobody took the call.

12. Plaintiff called the number again several days later, but got a message stating his call was being "blocked."

13. Thereafter, Plaintiff began receiving mortgage statements from PHH which reflected "assessed expenses," which included charges for "door locks" and "debris removal."

VIOLATION OF MISSOURI MERCHANDISING PRACTICES ACT

For Count I of his Petition, Plaintiff states to this honorable Court as follows:

14. Plaintiff realleges the allegations of paragraphs 1 through 13 as though fully set forth herein.

15. At all relevant times herein, Altisource was the agent of PHH, and was acting within the course and scope of its authority on behalf of PHH, such that any act done by Altisource can be attributed to the acts of PHH.

16. Pursuant to § 407.020 RSMo (Missouri Merchandising Practices Act), it is an unlawful practice to use deception, fraud, false pretense, false promise, misrepresentation, or unfair practice, or to conceal, suppress, or omit any material fact in connection with the sale or advertisement of any merchandise in trade or commerce.

17. Plaintiff purchased the Property primarily for personal, family or household purposes, and not for a business purpose.

18. Defendants used deception, fraud, false pretense, false promise, misrepresentation or unfair practice, or concealed, suppressed, or omitted a material fact in connection with the extension of a mortgage loan in one or more of the following respects:

- a. Altisource unlawfully entered Plaintiff's property and caused damage to Plaintiff's real and personal property, including but not limited to the doors and door frames, changed the front door locks, tampered with the breaker panels, damaged Plaintiff's drywall, broke a metal water heater drip pan, broke two mirrors, broke the ventilation furnace door, and scratched the vinyl flooring, which constitutes trespassing and illegal conduct in contravention of 15 CSR 60-8.090;
- b. PHH failed to act in good faith and behaved unconscionably when it added charges to Plaintiff's mortgage statement for the unlawful trespass by Altisource, thereby committing unfair practices in contravention of 15 CSR 60-8.040 and 15 CSR 60-8.080 respectively

19. Defendants' use of fraud, false pretense, false promise, misrepresentation or unfair practice, and/or concealment, suppression, or omission of a material fact in connection with the sale of the was willful, wanton and malicious, and was done with evil motive or reckless indifference to the rights of Plaintiff.

20. PHH's actions constitute a pattern and practice of deceptive conduct.

21. As a result of PHH's use of fraud, false pretense, false promise, misrepresentation or unfair practice, and/or of PHH's concealment, suppression, or omission of a material fact in connection with the extension of a mortgage loan, Plaintiff suffered an ascertainable loss of money or property.

22. Further as a result of Defendants' violation of the MMPA, Plaintiff further suffered humiliation, embarrassment, inconvenience, stress, anxiety, loss of use, loss of work, and garden variety emotional distress.

WHEREFORE, Plaintiff prays this honorable Court to enter a judgment against Defendants awarding actual and punitive damages in an amount that is fair and reasonable, attorney's fees for all time reasonably expended on the case, incidental and consequential damages, prejudgment interest, costs of suit, and such further equitable relief as this honorable Court deems just.

COUNT II – TRESPASS

For Count II of his Petition, Plaintiff states to this honorable Court as follows:

23. Plaintiff reallege the allegations of paragraphs 1 through 22 as though fully set forth herein.

24. At all relevant times herein, Altisource was the agent of PHH, and was acting within the course and scope of its authority on behalf of PHH, such that any act done by Altisource can be attributed to the acts of PHH.

25. On or about 5/15/2019, Altisource, without permission or authorization from Plaintiff, entered upon Plaintiff's property and caused damage thereto, resulting in a financial loss to Plaintiff.

26. Altisource's entry onto Plaintiff's property was intentional, interfered with the plaintiffs' possessory rights, and constituted a physical invasion of Plaintiff's property.

27. Altisource's conduct was willful, wanton and malicious, and was done with evil motive or reckless indifference to the rights of Plaintiff.

28. As a direct and proximate result of Altisource's trespass onto Plaintiff's property, Plaintiff sustained damage.

WHEREFORE, Plaintiff prays this honorable Court to enter a judgment against Defendants awarding actual and punitive damages, incidental and consequential

damages, prejudgment interest, costs of suit, and such further equitable relief as this honorable Court deems just.

/s/ Mitchell B. Stoddard

Mitchell B. Stoddard, #38311

Consumer Law Advocates

1415 Elbridge Payne Road, Suite 275

Chesterfield, Missouri 63017

(314) 692-2001

mitch.stoddard@clalaw.com

Attorneys for Plaintiff



IN THE 22ND JUDICIAL CIRCUIT, CITY OF ST LOUIS, MISSOURI

Judge or Division: REX M BURLISON	Case Number: 2022-CC00924	Special Process Server 1
Plaintiff/Petitioner: MATTHEW L JOHNSON	Plaintiff's/Petitioner's Attorney/Address MITCHELL B. STODDARD 1415 ELBRIDGE PAYNE ROAD SUITE 275 vs. CHESTERFIELD, MO 63017	Special Process Server 2
Defendant/Respondent: PHH MORTGAGE CORPORATION	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101	Special Process Server 3
Nature of Suit: CC Other Tort		(Date File Stamp)

Summons in Civil Case

The State of Missouri to: PHH MORTGAGE CORPORATION
Alias: DBA PHH MORTGAGE SERVICES

CSC LAWYERS INC SVC CO
221 BOLIVAR STREET
JEFFERSON CITY, MO 65101
COURT SEAL OF



CITY OF ST LOUIS

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

August 3, 2020

Date

Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the defendant/respondent.
☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with _____, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.
☐ (for service on a corporation) delivering a copy of the summons and a copy of the complaint to: _____ (name) _____ (title).
☐ other: _____

Served at _____ (address)
in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

(Seal)

My commission expires: _____

Date

Notary Public

Sheriff's Fees, if applicable

Summons \$ _____
Non Est \$ _____
Sheriff's Deputy Salary
Supplemental Surcharge \$ 10.00
Mileage \$ _____ (_____ miles @ \$._____ per mile)
Total \$ _____

A copy of the summons and a copy of the petition must be served on **each** defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

COLE COUNTY SHERIFF
IN THE 22ND JUDICIAL CIRCUIT, CITY OF ST LOUIS, MISSOURI

Judge or Division: REX M BURLISON	Case Number: 2022-CC00924	Special Process Server 1
Plaintiff/Petitioner: MATTHEW L JOHNSON	Plaintiff's/Petitioner's Attorney/Address MITCHELL B. STODDARD 1415 ELBRIDGE PAYNE ROAD SUITE 275 vs. CHESTERFIELD, MO 63017	Special Process Server 2
Defendant/Respondent: PHH MORTGAGE CORPORATION	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101	Special Process Server 3
Nature of Suit: CC Other Tort		(Date File Stamp)

Summons in Civil Case

The State of Missouri to: ALTISOURCE SOLUTIONS, INC.

Alias:

CSC LAWYERS INCORP SVC CO
221 BOLIVAR STREET
JEFFERSON CITY, MO 65101

COURT SEAL OF



CITY OF ST LOUIS

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

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- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with _____, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the complaint to: _____ (name) _____ (title).
- ☐ other: _____.

Served at _____ (address)
in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

(Seal)

My commission expires: _____

Date

Notary Public

Sheriff's Fees, if applicable

Summons \$ _____

Non Est \$ _____

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00

Mileage \$ _____ (_____ miles @ \$. _____ per mile)

Total \$ _____

A copy of the summons and a copy of the petition must be served on **each** defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.



Judge or Division: REX M BURLISON	Case Number: 2022-CC00924	Special Process Server 1
Plaintiff/Petitioner: MATTHEW L JOHNSON	Plaintiff's/Petitioner's Attorney/Address MITCHELL B. STODDARD 1415 ELBRIDGE PAYNE ROAD SUITE 275 vs. CHESTERFIELD, MO 63017	Special Process Server 2
Defendant/Respondent: PHH MORTGAGE CORPORATION	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101	Special Process Server 3
Nature of Suit: CC Other Tort		

RECEIVED

AUG 06 2020 (Date File Stamp)

Summons in Civil Case

The State of Missouri to: PHH MORTGAGE CORPORATION
 Alias: DBA PHH MORTGAGE SERVICES

COLE COUNTY
 SHERIFF'S OFFICE

CSC LAWYERS INC SVC CO
 221 BOLIVAR STREET
 JEFFERSON CITY, MO 65101
 COURT SEAL OF



CITY OF ST LOUIS

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

August 3, 2020

Date

Clerk

Further Information:

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☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.

☒ (for service on a corporation) delivering a copy of the summons and a copy of the complaint to: Shelly Lewis (name) Designee (title).

☐ other: _____

Served at 221 Bolivar St Jefferson City MO 65101 (address)
 in Cole (County/City of St. Louis), MO, on 08-07-2020 (date) at 8:00 AM (time).

Sheriff

Printed Name of Sheriff or Server

By Def. 74

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

My commission expires: _____

Date

Notary Public

Sheriff's Fees, if applicable

Summons \$ _____
 Non Est \$ _____
 Sheriff's Deputy Salary \$ 10.00
 Supplemental Surcharge \$ _____
 Mileage \$ _____ (_____ miles @ \$_____ per mile)
 Total \$ _____

A copy of the summons and a copy of the petition must be served on each defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

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Judge or Division: REX M BURLISON	Case Number: 2022-CC00924	Special Process Server 1
Plaintiff/Petitioner: MATTHEW L JOHNSON	Plaintiff's/Petitioner's Attorney/Address MITCHELL B. STODDARD 1415 ELBRIDGE PAYNE ROAD SUITE 275 vs. CHESTERFIELD, MO 63017	Special Process Server 2
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Nature of Suit: CC Other Tort		(Date File Stamp)

Summons in Civil Case

The State of Missouri to: ALTISOURCE SOLUTIONS, INC.

Alias:

CSC LAWYERS INCORP SVC CO
221 BOLIVAR STREET
JEFFERSON CITY, MO 65101
COURT SEAL OF



CITY OF ST LOUIS

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August 3, 2020

Date

Clerk

Further Information:

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☒ (for service on a corporation) delivering a copy of the summons and a copy of the complaint to: Shelly Lewis (name) Designee (title).

☐ other: _____

Served at 221 Bolivar St Jefferson City MO 65101 (address)
in Cole (County/City of St. Louis), MO, on 08-07-2020 (date) at 8:00 AM (time).

Sheriff Al D. White
Printed Name of Sheriff or Server

By Def. [Signature] 74
Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

(Seal)

My commission expires: _____ Date _____ Notary Public

Sheriff's Fees, if applicable

Summons \$ _____
Non Est \$ _____
Sheriff's Deputy Salary \$ _____
Supplemental Surcharge \$ 10.00
Mileage \$ _____ (_____ miles @ \$._____ per mile)
Total \$ _____

A copy of the summons and a copy of the petition must be served on each defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

RECEIVED
AUG 06 2020
COLE COUNTY
SHERIFF'S OFFICE

FILED
22ND JUDICIAL CIRCUIT
CITY OF ST LOUIS
AUG 20 AM 3:24

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